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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,787	08/31/1999	THIRU SRINIVASAN	1539-(42059-	1797

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EXAMINER	
HO, CHUONG T	
ART UNIT	**PAPER NUMBER**
2664	20

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/386,787	SRINIVASAN, THIRU	
	Examiner	Art Unit	
	Chuong Ho	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *28-30,32-37 and 39-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *28-30,32-37,39-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The amendment filed 05/27/04 have been entered and made of record.

2. Applicant's amendment with respect to claims 28-30, 32-37, 39-43 have been considered but are not persuasive.

3. As per to Applicant's argument, page 6, lines 12-15, Applicant alleged that "there is no specific recitation of the "processing device being further configured to store the preferred time for the call back... and to periodically search the memory and automatically schedule the call back with and identified service agent" ."

The Applicant's argument is not persuasive.

As to argument, Andrews et al. discloses "processing device being further configured to store the preferred time for the call back... and to periodically search the memory and automatically schedule the call back with and identified service agent" (see col. 16, lines 52-65, the IVR may then prompt the caller to furnish appropriate information for later processing of the call (e.g. purpose of call, caller's name, telephone number, etc.). When the work group (agent) become available and commands the IVR to transmit the information stored **from** the caller **to** the workgroup (agent) via the public network. The members of the workgroup (agents) may then undertake further action, such as placing a call to the caller. Alternatively, upon notifying the caller that the workgroup (agent) is busy, the central controller or IVR may prompt the user to indicate whethter the caller wishes to be called back by the workgoup. If the caller indicates that such is desirable, the central controller may record this and other information useful for later processing of the call, and terminate the call. Once the workgroup (agent) again becomes

availabe, the central controller may then telephone the caller through the public network, prompt the caller when the caller wishes to be connected to the workgroup (agent), and connect the caller to the workgroup (agent).) (See col. 15, lines 10-11, Control signals transmitted from the central controllers cause the IVR74 to optimally route and queue calls from the networks 12, 14, 16 to the agent workstations 482). Therefore, Andrews et al. (U.S.Patent No. 5,848,143) clearly discloses "processing device being further configured to store the preferred time for the call back... and to periodically search the memory and automatically schedule the call back with and identified service agent".

4. As per Applicant's argument, the Applicant alleged that "the rejection in this Office Action improperly relies on impermissible hindsight to combine those three references (Miloslavsky "USPN 6,529,774", Andrews "USPN 5,848,143", and Beck et al. "USPN 6,332,154"). In response to Applicant's argument that the Examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that nay juggement on obviousness is in sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. In re McLaughlin, 443 F.2d 1392; 170 USPQ 209 (CCPA 1971).

5. Claims 28-30, 32-37, 39-43 are pending in the application.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 28, 36, 30, 29, 32-35, 37, 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky (U.S.Patent No.6,259,774 B1) in view of Andrews et al. (U.S.Patent No. 5,848,143) and in further view of Beck et al. (U.S.Patent No. 6,332,154 B2 B1).

In the claim 28, Miloslavsky discloses a telephone call center system comprises an Internet connection adapted for receiving data from a WEB server, the data originating from the computer platform of a person browsing the Internet, including data identifying the browsing person, such as a telephone number, and indicating to the WEB server a desire of the browsing person to communicate with an agent at the call center (see abstract); comprising:

- a processing device in connection with a communication device wherein the processing device is configured to present a plurality of interactive screen displays to the system user (person browsing the Internet) connecting with the processing device using a web browser, the plurality of interactive display including: an identification screen display configured for the system user to enter identification information (including data identifying the browser person, such as a telephone number, and indicating to the WEB

server a desire of the browsing person to communicate with an agent at the call center (see abstract, col. 5, lines 65-67, col. 9, lines 16-27);

- a call status display which is presentable to the system user who has selected to wait in a queue, wherein the call status display provides wait time information for the system user as well as at least one alternative system user activity which includes at least one of: visiting at least one website and providing call back information (see col. 9, lines 50-57, col. 10, lines 10-17);

However, Miloslavsky is silent to disclosing processing device being further configured to store the preferred time for the call back in memory and to periodically search the memory and automatically schedule the call back with an identified service agent.

Andrews et al. discloses the central controllers (central processor) are adapted to generate the control signals based upon status messages received from the agent systems, requested service data from the network, and optimization parameters (see col. 3, lines 15-20); comprising:

- processing device being further configured to store the preferred time for the call back in memory and to periodically search the memory and automatically schedule the call back with an identified service agent (see col. 16, lines 61-64, upon notify the caller that the work group is busy, the central controller or IVR may prompt the user to indicate whether the caller wishes to be call back by the workgourp. If the caller indicates that such is desirable, the central controller may record this and other information usefull for later processing of the call).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify system of Miloslavsky with the teaching of Andrews to provide a particular time in order to schedude to call user back by the agent. Therefore, the combined system would have been enable the user to knows when to expect a return call rather than waiting for an unknown period ot time.

However, the combined system (Miloslavsky-Andrews) does not disclose providing for establishing a line communication between the users and the agents based on a mode of communication selected by the user.

Beck et al. discloses a client self-help system, the client self-help system comprising an operating system (OS) including an outward-facing communiction interface for accepting communications from clients, and for presenting a display for a connected client; an interactive self-help wizard model presented in a graphic interface in the display and configured to a selected client; and a media selection interface presented in the graphic interface by which the connected client may select a particular media for receiving help, and indicate the nature of help desired. The self-help wizard is periodically automatically updated in available information according to client transaction history with the enterprise (see col. 4, lines 25-37); comprising:

- a processing device in connection with a communication device wherein the processing device is configured to present a communication mode screen display which present a plurality of modes of communication each of which are selectable by the system user in order to establish real time connection with an identified service agent by the selected

mode of communication which includes at least one of: audio, video, and data conferencing (see col.4, lines 25-37, col. 14, lines 18-27, figures 20, 5, 9);

- a call status display which is presntable to the system user who has selected to wait in a queue (see col. 3, lines 25-30), wherein the call status display provides wait time information for the system user; providing call back information which includes the selected mode of communication (see abstract, col.4, lines 25-37, col. 14, lines 18-27, figures 20, 5, 9);
- a call back display configured so that the system user may select from plurality of modes of communication for a call back as well as a preferred time for the call back (see abstract, col.4, lines 25-37, col. 14, lines 18-27, figures 20, 5, 9).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined system (Miloslavsky-Andrews) with the teaching of Beck to include a user interface in order to enable the user to select the mode of communication. Therefore, the modified system would have been enable the agent or company representative to respond intelligently and efficiently to customer problems.

8. In the claim 36, Miloslavsky discloses a telephone call center system comprises an Internet connection adapted for receiving data from a WEB server, the data originating from the computer platform of a person browsing the Internet, including data identifying the browsing person, such as a telephone number, and indicating to the WEB server a desire of the browsing person to communicate with an agent at the call center (see abstract); comprising:

- a processing device in connection with a communication device wherein the processing device is configured to present a plurality of interactive screen displays the system user (person browsing the Internet) connecting with the processing device using a web browser, the plurality of interactive display including: an identification screen display configured for the system user to enter identification information (including data identifying the browser person, such as a telephone number, and indicating to the WEB server a desire of the browsing person to communicate with an agent at the call center (see abstract, col. 5, lines 65-67, col. 9, lines 16-27);
- a call status display which is presentable to the system user who has selected to wait in a queue, wherein the call status display provides wait time information for the system user as well as at least one alternative system user activity which includes at least one of: visiting at least one website and providing call back information (see col. 9, lines 50-57, col. 10, lines 10-17);

However, Miloslavsky is silent to disclosing processing device being further configured to store the preferred time for the call back in memory and to periodically search the memory and automatically schedule the call back with an identified service agent.

Andrews et al. discloses the central controllers (central processor) are adapted to generate the control signals based upon status messages received from the agent systems, requested service data from the network, and optimization parameters (see col. 3, lines 15-20); comprising:

- processing device being further configured to store the preferred time for the call back in memory and to periodically search the memory and automatically schedule the call back with an identified service agent (see col. 16, lines 61-67, upon notify the caller that the work group is busy, the central controller or IVR may prompt the user to indicate whether the caller wishes to be call back by the workgourp. If the caller indicates that such is desirable, the central controller may record this and other information usefull for later processing of the call).);
- determining whether of the agents is free to receive a communication from the system user, and if one of the service agent is free (see col. 16, lines 52-67, col. 17, lines 1-4);
- if one of the sevice agents is not available, presenting a screen display to the system user indicating that one of the service agents is free and inquiring if the system user wish a call back or to be placed in a queue (see col. 16, lines 52-67, col. 17, lines 1-3).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify system of Miloslavsky with the teaching of Andrews to provide a particular time in order to schedude to call user back by the agent. Therefore, the combined system would have been enable the user to knows when to expect a return call rather than waiting for an unknown period ot time.

However, the combined system (Miloslavsky-Andrews) does not disclose providing for establishing a line communication between the users and the agents based on a mode of communication selected by the user.

Beck et al. discloses a client self-help system, the client self-help system comprising an operating system (OS) including an outward-facing communiction interface for accepting communications from clients, and for presenting a display for a connected client; an interactive self-help wizard model presented in a graphic interface in the display and configured to a selected client; and a media selection interface presented in the graphic interface by which the connected client may select a particular media for receiving help, and indicate the nature of help desired. The self-help wizard is periodically automatically updated in available information according to client transaction history with the enterprise (see col. 4, lines 25-37); comprising:

- a processing device in connection with a communication device wherein the processing device is configured to present a communication mode screen display which present a plurality of modes of communication each of which are selectable by the system user in order to establish real time connection with an identified service agent by the selected mode of communication which includes at least one of: audio, video, and data conferencing (see col.4, lines 25-37, col. 14, lines 18-27, figures 20, 5, 9);
- a call status display which is presntable to the system user who has selected to wait in a queue (see col. 3, lines 25-30), wherein the call status display provides wait time information for the system user; providing call back information which includes the selected mode of communication (see abstract, col.4, lines 25-37, col. 14, lines 18-27, figures 20, 5, 9);

- a call back display configured so that the system user may select from plurality of modes of communication for a call back as well as a preferred time for the call back (see abstract, col.4, lines 25-37, col. 14, lines 18-27, figures 20, 5, 9).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined system (Miloslavsky-Andrews) with the teaching of Beck to include a user interface in order to enable the user to select the mode of communication. Therefore, the modified system would have been enable the agent or company representative to intelligently and efficiently to customer problems.

9. In the claims 30, 41, 42, Andrews et al. discloses the central controllers (central processor) are adapted to generate the control signals based upon status messages received from the agent systems, requested service data from the network, and optimization parameters (see col. 3, lines 15-20); comprising:

- a supervisor interface through which at least one of may be performed: the agent status may be viewed, agent profile information may be viewed, and the agent profile information may be edited (see figure 2, 6A, 6B, col. 13, lines 45, 52, the interface 452 also permits the user of the workstation to request that the active central controller change the call availability status of the workstation to permit the workstation to place an outgoing call, although it is important to note that the control and service request functions permitted by the graphical interface 452 are subject to the control of the active central controller. In other words, although the workstation may request that its call

available status be changed, unles permitted by the active central controller, the user workstation may not change the availability of the workstation to receive an outside call);

10. In the claims 29, 37, Andrews et al. discloses a service agent display which is presentable to the system user wherein the service agent display includes profile information for the identified server agent (see col. 3, lines 15-18, the contral controllers are adapted to generate the control signals based upon status messages received from the agent systems, requested service data from the network, and optimization parameters, see col. 6, lines 50-55).

11. In the claims 38, 40, Beck et al. teaches the plurality of mode of communication include at least one of: audio communication, video communication, and data communication (see col. 4, lines 53-60).

12. In the claim 32, Miloslavsky discloses the call status display further include position information in the queue for the system user (see col. 9, lines 50-57, col. 10, lines 10-18).

13. In the claim 33, Andrews et al. discloses the agent status includes at least one of: agent current active, identification information for connection in the queue, change of agent status (see col. 13, lines 35-52).

14. In the claims 34, 39, 43, Andrews et al. discloses a screen display for viewing the profile information for the system user waiting in the queue (see col. 15, lines 5-10).

15. In the claim 35, Miloslavky discloses the communication network is at least one of: the World Wide Web and the public switched telephone network (see abstract).

16. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong Ho whose telephone number is (703)306-4529. The examiner can normally be reached on Monday-Friday from 9am to 3pm.

18. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington, Chin, can be reached on (703)305-4633.

Any inquiry of a general nature or relating to the status of this application or proceeding should be direct to the group receptionist whose telephone number is (703) 305-3900.

CH

Date 08-07-04 .

WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
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